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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,617	02/07/2002	Charles B. Seidman	284660-00007	3108

7590 09/02/2003

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EXAMINER	
HARRISON, JESSICA	

ART UNIT	PAPER NUMBER
3714	12

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/072,617	SEIDMAN, CHARLES B.	
	Examiner	Art Unit	
	Jessica J. Harrison	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,10,11,62-65,69 and 70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,10,11,62-65,69 and 70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *1 and 4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Collart.

See paragraph [0247] in particular, for teaching of DVD with digital work and predetermined game play with outcome of the type claimed.

Claims 1,2,10,11 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Simpson.

See paragraphs beginning at [072] for teaching of game with particular outcomes resulting in prize (coupon access) being awarded from the DVD.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 63 – 65, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson.

Simpson discloses a method and system enabling the electronic dissemination of electronic coupons combined with both coupon-related (advertising) and coupon unrelated (game) data on a computer readable storage medium such as a DVD. The difference between Simpson and instant claim 63-65 is that Simpson fails to clearly state the game itself may be played over the Internet. (Note that Simpson does teach use of Internet to access codes, report demographics.) However, game play over the Internet is notoriously well known and has such advantages as allowing for server storage of game software with client access or the ability for geographically divers persons to play against each other in a game. It would have been obvious to one of ordinary skill in the art at the time of the invention to include network game play over the internet as an implementation of Simpson's game play so that the game data could be centrally stored and not utilize the storage capacity of the DVD, or to allow remote players to compete, as either would encourage interaction with the DVD and thus have users interact with the advertising and the coupons, the overall goal of Simpson.

Regarding claims 69 and 70, the difference between these claims and Simpson lie in the requirement of watching the advertising data of Simpson prior to playing the game of Simpson. However, as Simpson contains both data and Simpson's intent is to entice the trade of demographic information in exchange for the viewing of advertising and receipt of coupons, it would have been obvious to one of ordinary skill in the art at the time of the invention to include trivia questions regarding the advertising/products/coupons as a means for accessing a next level of game play as a means to ensure the product's message is being conveyed to consumers by the disk. Clearly this type of arrangement would encourage advertisers to place their products and coupons on the disk, and it would encourage players/users to continue interacting with the disk – both necessary components for the system taught by Simpson.

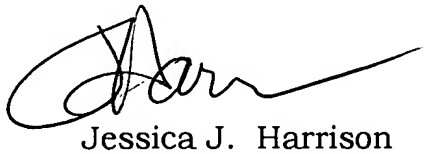
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the patent to Brooks et al which teaches a game piece which may be on ROM or entirely electronic.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica J. Harrison whose telephone number is 703-308-2217. The examiner can normally be reached on 8 hour/M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



Jessica J. Harrison
Primary Examiner
Art Unit 3714

jjh